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Committee on the Rights of Persons with Disabilities
Thirteenth session

Summary record* of the178th meeting
Held at the Palais Wilson, Geneva, on Monday, 30 March 2015, at 3 p.m.

Chairperson: Ms. Cisternas Reyes

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* No summary records were issued for the 176th and 177th meetings.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of Croatia (CRPD/C/HRV/1; CRPD/C/HRV/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Croatia took places at the Committee table.*

2. **Ms. Prpić** (Croatia), introducing her country's initial report (CRPD/C/HRV/1), said that there were currently some 510,000 people with disabilities in Croatia, representing 12 per cent of the population. The implementation of the National Strategy of Equalization of Opportunities for Persons with Disabilities for the period 2007–2015 had yielded positive results; the successor strategy would seek to redress shortcomings in the implementation of the Convention and would include more specific measurable indicators to facilitate evaluation and monitoring.

3. Recently adopted legislation enabled persons without legal capacity to exercise their right to vote and introduced provisions rendering the determination of disability and other impairments more efficient and transparent. In addition, Croatia would soon adopt a law recognizing the right of deaf and blind-deaf persons to use sign language or other communication systems adapted to their needs and legislation on the use of assistance dogs. The Government awaited the decision of the Constitutional Court regarding the Family Act of 2014, which had been suspended and which, if reinstated, would affirm the right of every child to live in a family. The new Act on Vocational Rehabilitation and Employment of Persons with Disabilities established minimum targets for employing persons with disabilities, coupled with incentives for doing so. Moreover, traffic infrastructure and buildings and other spaces were being adapted to the needs of persons with disabilities. In 2014, the authorities had intervened in 0.18 per cent of construction or renovation cases to remedy inadequate access to buildings for persons with disabilities.

4. Non-governmental organizations (NGOs) representing persons with disabilities were valuable partners in the drafting, updating and implementation of relevant legislation and policies. In 2013, the Government had spent more than half a billion kunas to fund programmes and projects of such NGOs.

5. In 2014, the Government had adopted a plan to deinstitutionalize persons with disabilities and reform the functioning of social welfare homes. Despite funding shortages, it planned to deinstitutionalize more than 1,000 persons with disabilities, out of a current total of nearly 7,000 living in institutions, by the end of 2016. To ensure success, the Government was increasing its emphasis on inclusive education and enhancing such community services as supported housing, day care, interpretation and assistance dog services, along with support for children with developmental difficulties.

6. **Ms. Degener** (Country Rapporteur) said that Croatia was to be commended for having been among the first countries to ratify the Convention, in 2007, and for its progress since then in protecting and promoting the rights of persons with disabilities. Nevertheless, much remained to be done. For example, more support was needed for children with disabilities and their families, so that fewer such children would be institutionalized. Children with autism appeared to suffer particularly from neglect, mistreatment and social exclusion.

7. The rate of education among persons with disabilities in Croatia was very low, especially among women and girls, and she urged the State party to safeguard their right to education, including secondary education.

8. Despite recent moves to deinstitutionalize persons with disabilities, enjoyment of the right to live independently remained elusive for many of them because acceptable alternatives to institutions were lacking and personal assistance services were not always adequate. Why were privately run institutions and psychiatric hospitals not covered by the current plans for deinstitutionalization?

9. While recent legislation requiring the consent of all types of patients to medical interventions was laudable, in practice the right to freedom from forced interventions did not seem to be fully protected. The law permitted many exception that might not be in line with the Convention. Many cases of abuse of the rights of persons with disabilities in institutions, including psychiatric hospitals, had been documented in recent years and she therefore wished to know whether such abuses persisted and whether the perpetrators had been prosecuted and legal redress provided. The question of whether the Family Act, currently suspended, which permitted involuntary sterilization and disproportionately affected women and girls with disabilities, was in line with the Convention merited further discussion.

10. Were organizations representing persons with disabilities allowed to exercise their advocacy role, or were they restricted to providing essential social services? She wondered whether the State party was fulfilling its obligations under article 4, paragraph 3, of the Convention.

Articles 1–10

11. **Ms. Kingston** asked to what extent people with disabilities were involved in the development, implementation and evaluation of policies affecting them. She asked whether policymakers ensured that people thus involved represented the diversity of people with disabilities in Croatia and included, for example, representative numbers of women, children, persons from rural areas and members of ethnic minorities.

12. She would welcome clarification of the definition of reasonable accommodation, especially in the context of employers' obligations.

13. She was concerned at the obstacles faced by parents who decided to raise children with disabilities at home. There seemed to be a lack of community-based programmes to help children and their parents.

14. **Mr. Tatić** said that he would like more information about the role of the National Disability Council in reviewing legislation relating to persons with disabilities. Was all such legislation reviewed by the Council before being adopted?

15. He would be grateful to be given examples of how reasonable accommodation was made in such areas as education and public transport.

16. He asked how the benefits available to unemployed parents of children with disabilities affected the inclusion of such children, given that the benefits were apparently paid only if the children did not attend school or take advantage of social support services.

17. Regarding the statement that 0.18 per cent of construction cases in 2014 had required intervention to remove barriers to accessibility, he asked how many actual buildings that percentage represented. He wondered what form such intervention took, and whether fines or other sanctions were imposed on those who had neglected to ensure accessibility.

18. **Mr. Ruskus** asked what steps the State party was taking to move from an exclusively medical definition of disability to one based on human rights considerations.

19. **Mr. Langvad** asked what resources the State party provided to organizations representing persons with disabilities. He asked how such persons were perceived in

Croatia and what steps were being taken to dispel stereotypes concerning them. Noting that accessibility was an important aspect of guaranteeing inclusion, he asked how the accessibility of buildings was monitored and what sanctions were imposed for breaking the applicable laws.

20. **Ms. Degener** said that the practice of linking entitlement to certain social services and benefits with the cause of a person's disability put people born with disabilities at a disadvantage. She asked whether the practice would be changed. She also asked whether Croatian law treated the segregation of people with disabilities in educational, work or residential settings as discrimination.

21. Women with disabilities seemed to be at a particular disadvantage in Croatia, attaining lower educational levels, suffering higher unemployment and being more likely to endure violence in families and institutions. Did the State party plan to promote the empowerment and advancement of women with disabilities?

22. She asked whether children with disabilities were able to participate on an equal footing with others in town- and county-level children's councils.

23. The accessibility of buildings, transportation and information for people with disabilities in Croatia seemed to be limited. Furthermore, the concept of accessibility seemed to be construed as pertaining only to physical access, not to information and communication services. She wondered whether the State party intended to remedy the situation.

24. **Mr. Parra Dussan** asked how the State party safeguarded the social, cultural and educational rights of persons with disabilities. In the light of the *pro homine* principle, he asked whether Croatia had any laws affording people with disabilities greater protection than that afforded by the Convention.

25. **Ms. Peláez Narváez** said that the Committee was concerned about the high rate of neglect of children with disabilities in Croatia. Many were placed in institutions — often psychiatric hospitals — where they were not cared for, lacked access to education and health care and were not protected from violence and sexual exploitation. Moreover, many were denied adoption because they were in institutions where children were not eligible for adoption. At the same time, families wishing to raise their own children with disabilities were not helped to do so. The Committee on the Rights of the Child had drawn attention to those issues and she asked how the State party planned to tackle them.

26. The Committee on the Elimination of Discrimination against Women had, as early as 1998, requested information about how women and girls with disabilities were cared for in Croatia. To her knowledge, those requests remained unanswered and she asked how the State party intended to meet its commitments under the Convention and the other international human rights instruments.

27. **Mr. Pyaneandee** asked whether the State party would consider replacing its definition of a person with disabilities by a fully fledged human rights model. He also asked whether the State party would be prepared to set aside sufficient funds to ensure that organizations of persons with disabilities received training in advocacy and requested more information on plans to raise awareness of the Convention.

28. **Mr. Buntan** said that he would welcome clarification of the current status of accessibility standards. He asked whether such standards were in line with the Convention or internationally recognized standards and whether organizations of persons with disabilities participated in their development, implementation and monitoring.

29. **Mr. Basharu** said that he would appreciate information on the portrayal of persons with disabilities, particularly deaf persons, in the Croatian media. He also asked whether

the State party would consider promoting and granting official status to Croatian Sign Language.

30. **The Chairperson**, speaking in her personal capacity, asked how the State party ensured the inclusion of autistic children, deaf-blind children and children who required a high level of care and support.

The meeting was suspended at 4.05 p.m. and resumed at 4.20 p.m.

31. **Mr. Benjak** (Croatia) said that the State party had been working for the past few years to establish a unified set of criteria for disability. Furthermore, a law on a single expertise body had been adopted following work carried out by a group of experts in cooperation with persons with disabilities and their representatives. The International Classification of Functioning, Disability and Health had been translated into Croatian and trial runs had been carried out to test the functional disability assessment system and to include persons with disabilities in the assessment process. Based on the International Classification of Functioning, Disability and Health, a unified list of functional abilities had been drawn up, together with an impairment/functionality grading system, which took into account the most significant daily activities of the various groups of persons with disabilities. The list identified four levels of impairment and, on completion of the assessment process, persons with disabilities were assigned two grades, one relating to the level of physical impairment and the other to the level of impairment of functionality, on the basis of which persons with disabilities could exercise their rights. The relevant World Health Organization (WHO) guidelines had been incorporated into the system of expertise.

32. **Mr. Sočanac** (Croatia) said that, under the Anti-discrimination Act, disability and the erroneous assumption of the existence of disability constituted grounds for discrimination. The Ombudsman and the Ombudsman for Persons with Disabilities were the competent bodies in the field of discrimination on the basis of disability. He referred the Committee to the information provided in paragraph 31 of his country's report on a European Union-backed project designed to promote equality in the labour market. Awards were presented to employers, in order to encourage diversity in the labour market, promote the protection of human and labour rights within the workplace and raise awareness of and disseminate best practices in the field.

33. He wished to draw the Committee's attention to the definition of "reasonable adaptation" contained in the Anti-discrimination Act and set out in paragraph 19 of the report. Following on the National Plan for Combating Discrimination for the period 2008–2013, work was under way to design measures to combat discrimination based on disability, which had been identified as a priority under the National Programme for the Protection and Promotion of Human Rights. One of the goals of the Programme was to promote the implementation of the principle of universal design, with a view to improving access to public transport and public and other services. There were also plans to identify public institutions that facilitated access to their premises by persons with disabilities, to monitor compliance with accessibility regulations and, if need be, to impose sanctions for non-compliance.

34. The Croatian Union of Associations of Persons with Disabilities and the Office for Human Rights and Minority Rights had launched a campaign to raise public awareness of violence against women with disabilities and in 2014 the Ombudsman for Gender Equality had held a seminar on hate crimes against persons with disabilities.

35. **Ms. Fišer Marković** (Croatia) said that the participation of persons with disabilities in the development and implementation of legislation and policies was regulated by legislation on the right to access to information, public consultation and the assessment of the impact of regulations. The Government included all interested parties in the regulation-making process, with consultations lasting at least 30 days. A consultation mechanism

composed of public officials and representatives of civil society organizations (including organizations of persons with disabilities) had also been put in place, focusing on the development of civil society. There were plans to set up an online service to provide the public with information on consultations.

36. As to the accessibility of the Internet and web portals, a new online service had recently been launched, through which persons with disabilities would eventually have access to public data.

37. A range of new regulations had been introduced to increase financial support for organizations of persons with disabilities and to set our parameters for their advocacy activities and social service provision.

38. **Ms. Prpić** (Croatia) said that the State party had adopted legislation on Croatian Sign Language and other forms of communication and on the use of service dogs.

39. **Ms. Mišić** (Croatia) said that the State party had adopted the definition of "reasonable accommodation" contained in the Convention and had placed it in the context of the exercise of the right of persons with disabilities to work and to be employed. Employers had a legal obligation to provide reasonable accommodation in the workplace. That process mainly involved removing physical barriers to accessibility, making technical adjustments to working conditions, introducing specific technologies to assist employees with disabilities in their work, aligning business processes with the abilities of such employees and providing expert support in the workplace. There had been a significant increase in the number of payments made to encourage employers to implement reasonable accommodation measures, possibly owing to the introduction of a quota system for persons with disabilities.

40. **Ms. Bogdanović** (Croatia) said that the State party had begun the process of deinstitutionalization of persons with disabilities in 1997. An operational plan had been drawn up to that effect and work was under way to transform social welfare centres into social service providers. Expert staff worked with persons with disabilities to ensure that they were ready to enter the wider community. Participants in the process had a say in where, how and with whom they wished to live and received support within the community from retrained social welfare centre staff. A number of associations provided assistance relating to inclusion and significant progress had been made in that regard, particularly in the case of persons with intellectual impairments. The results of the deinstitutionalization work carried out had been excellent, with only a small number of persons with disabilities returning to social welfare centres. Community living had led to increased cooperation between persons with intellectual disabilities and their psychiatrists and a decrease in the use of therapeutic medication. In view of a shortage of living space, State-owned premises had been made available. Funding was provided by both the State and private donors. Cooperation had been established with social welfare centres, and individual community re-entry programmes were drawn up with persons with disabilities and their relatives, friends and social workers. A further 43 persons with disabilities would enter the community by the end of 2015.

41. The number of children with impairments in institutional care was falling and ever more children were being enrolled in mainstream primary and secondary schools. Although such students received educational assistance and followed a separate curriculum, they studied alongside their non-disabled classmates.

42. Croatia was cooperating with UNICEF on early intervention in order to ensure the inclusion of all children in mainstream education. Girls and women with disabilities were less likely to complete education and find work than boys and men with disabilities. Work had been undertaken to identify needs and ensure equality between the regions in respect of service provision. However, some children with disabilities still had to travel to larger cities to gain access to services. The European Union had provided a large amount of funding for

the adaptation and refurbishment of accommodation in line with the principle of universal design.

43. Scholarships and training programmes were being provided to ensure that properly trained personnel were evenly distributed across the country.

44. **Ms. Prpić** (Croatia) said that, under the Social Welfare Act, parents caring for children with disabilities requiring specialist care and medical treatment or children with multiple severe impairments could receive benefits. Over 3,000 parents currently received such payments. Community-based psychosocial support and early intervention services were also available. Children with disabilities cared for by their parents could attend school or a medical or social institution for four or more hours per day.

45. **Ms. Novaković** (Croatia) said that a legislative framework governing the accessibility of buildings had been put in place, in the form of the Law on Physical Planning and Construction and an ordinance on accessibility for persons with disabilities and reduced mobility. Those instruments provided for a system of fines for failure to comply with accessibility standards at every stage of construction and applying to all participants in the construction process, including architects, builders and engineers. In addition to fines, usage permits were not issued for buildings not in compliance with accessibility standards. If any shortcomings were identified during the inspection of a building, a deadline was set for completion of remedial work, after which the fine was imposed. In recent years, the number of inspections carried out had increased, but the number of irregularities identified had decreased considerably. Accessibility was thus ensured for new or reconstructed buildings, but problems sometimes arose in relation to the adaptation of existing buildings, particularly those forming part of the cultural heritage. The ordinance was in line with international and European standards and had been drawn up over the course of two years in consultation with all stakeholders, including organizations of persons with disabilities, architects, investors and engineers. Guidelines to facilitate implementation had been adopted, a copy of which would be provided to the Committee, and awareness-raising activities had been conducted nationwide. Persons with disabilities and independent experts also participated in the technical examination of buildings.

46. **Mr. Jurišić** (Croatia) said that, over the past five years, significant efforts and financial resources had been invested in improving access to maritime and rail transport for persons with disabilities, for example by adapting harbours and ferries. As for road transport, the new buses being acquired were adapted to the needs of persons with disabilities. In accordance with a European Union directive, transport terminal managers and operators who failed to accommodate the needs of persons with disabilities faced fines of between 5,000 and 30,000 kunas.

47. **Ms. Skoko-Poljak** (Croatia) said that each county had its own institute for emergency medicine, which met European medical standards. The emergency medicine system had been successfully reorganized and constant efforts were being made to improve the system and ensure an equal standard of care for all. Training of personnel was the foundation of the system. With regard to the placement of persons with mental illness in psychiatric institutions, forced institutionalization took place only on the basis of a court order, if the person concerned had been found guilty of a criminal offence or constituted a risk to his or her own life or that of others.

48. **Ms. Majko** (Croatia) said that 1.4 per cent of all persons with disabilities received disability benefits under the Law on the Rights of the Croatian Homeland War Veterans and Members of Their Families.

49. **Ms. Jakir** (Croatia) said that the Croatian education system was modern and inclusive. Reasonable accommodation and adequate support were provided for children with disabilities who were included in the mainstream system. Seventeen thousand students with some form of disability were enrolled in elementary education, only 3,000 of them in special institutions. For children in rural areas, the wishes of parents for the child to receive

education close to home were respected as far as possible. The system of educational assistants was sustainable, regardless of austerity measures, since it would continue to be funded by the European Social Fund. Under the Croatian approach, the system was adapted to the student rather than the student being forced to adapt to the system. In the interests of inclusion, school transportation was provided for children with disabilities. At the secondary level, the approach was still very conservative, but efforts were being made to modernize it. The current revision of school curricula would take account of the principle of inclusion.

50. **Mr. Al-Tarawneh** said that there did not appear to be any clear plan of action to ensure accessibility by applying a comprehensive format such as universal design. It was not clear how the State party was tackling the removal of architectural barriers from existing facilities and how legislation was being enforced in relation to newly designed facilities. He would be interested to hear what role municipalities and other entities played in that regard and how professional associations of engineers and architects raised awareness of the need for accessibility. He was concerned that fines were being used as a substitute for bringing about real accessibility and guaranteeing the rights of persons with disabilities.

Articles 11–20

51. **Ms. Kingston** asked whether there were plans to review the current system of civil protection and ensure that operational plans contained provisions on the evacuation and rescue of persons with disabilities, including children. She would welcome information on measures taken to include persons with disabilities, especially deaf people, in national emergency protocols.

52. Noting that some 18,000 persons with psychosocial or intellectual disabilities lacked legal capacity and that a system of partial guardianship or partial restriction of legal capacity also existed, she asked how the expected court reviews of decisions on deprivation of legal capacity would secure the rights of persons with disabilities and how the Government would ensure that individuals at risk of deprivation or limitation of legal capacity would be able to participate in person in all court proceedings relating to that deprivation of legal capacity.

53. Noting that the use of forced psychiatric treatment and restraints in order to control and discipline behaviour appeared to be widespread, she asked whether the State party understood the use of restraints to be a form of torture. She asked what support mechanisms were in place for persons with psychosocial disabilities to live outside an institution and participate in the community and why non-State institutions, psychiatric hospitals and "family homes" were not part of the deinstitutionalization process.

54. **Mr. Tatić** said that the delegation should provide information on disability-inclusive disaster risk management, in the light of the severe flooding in the country the year before. He wondered whether the State party intended to adopt legislation guaranteeing the right of persons with disabilities to personal assistance.

55. **Mr. Langvad** asked what steps were being taken to repeal article 505 and related provisions of the Family Act to completely ban involuntary sterilizations and forced abortion for persons with disabilities. He asked whether persons with disabilities who required assistance had a choice as to where they lived.

56. **Ms. Degener** said that she wished to draw the delegation's attention to the Committee's general comment No. 1 on article 12 and asked whether the State party was willing to take action, as outlined in the general comment, on replacing substitute decision-making by supported decision-making. She would be interested to know whether persons with disabilities charged with offences received reasonable accommodation in court and in prison. The delegation should comment on whether there were any plans to change the law and practice to prevent persons with disabilities from being detained on the grounds of their

impairment and to provide training to medical professionals on the rights of persons with disabilities under the Convention. While she welcomed the fact that shelters for victims of domestic violence had been adapted to meet the needs of women with disabilities, she was concerned that mainstream services for victims of violence were still not accessible to persons with disabilities and, in particular, that women with disabilities were less protected than other women against violence by family members or in institutions. She asked whether there were any plans to introduce an independent mechanism to supervise service providers.

57. **Ms. Quan-Chang** asked whether there was any independent mechanism for the prevention of torture that considered the use of restraints on persons with psychosocial disabilities in institutions to be a form of torture. She also asked whether there were any plans to set up an independent authority to protect persons with disabilities against violence, abuse and exploitation.

58. **Mr. Ruskus** asked whether families that did not wish to place children with disabilities in institutions had any alternatives to caring for them in their own home. In the event that parents could no longer care for a child because of illness or death, what measures were in place to prevent the child from being institutionalized?

59. **Ms. Peláez Narváez** asked what safeguards were in place to protect the right of children with disabilities to be consulted on all matters that affected them directly. She wished to know how the State party ensured access to justice for persons with disabilities who had been the victims of abuse, especially those who were under the guardianship of another person or in a closed institution. Given the high level of violence against persons with disabilities and the limited number of accessible shelters, she wished to know what measures the State party planned to adopt to meet its responsibilities under article 16. She would be interested to know how the rights of persons with disabilities were incorporated into the protocols and procedures of health-care and law-enforcement personnel. She asked how it was ensured that persons with disabilities accommodated in "family homes" were included in the community and protected from abuse and violence and that the persons running those homes were not financially motivated.

60. **Mr. Kim** Hyung Shik asked the delegation to comment on mobility in relation to independent living and how the outcome of independent living was monitored.

61. **Mr. Buntan** asked whether the Government had taken any steps to guarantee access to emergency information, particularly the Europe-wide 112 emergency telephone number, for persons who were deaf or deaf-blind. He wondered whether the State party had taken any steps to encourage persons with disabilities to take up professions in the legal field.

62. **The Chairperson**, speaking in her personal capacity, asked, with reference to the forced institutionalization of persons with disabilities who were accused of committing a crime, what the effect was of a declaration of disability, particularly a psychosocial or intellectual disability, and whether security measures were applied in respect of the individual concerned. She asked whether the impact of the strategy for the protection of persons with disabilities against violence had been measured.

The meeting rose at 6 p.m.